

Remarks/Arguments:

Claims 9 and 15-17 are currently pending in the application. In the Non-Final Office Action of June 1, 2006, the Examiner rejected claims 9, 10 and 14-18 on obviousness grounds. More specifically, the Examiner rejected claims 9, 10, 14 and 16-18 under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,733,056 to Daniele (hereinafter referred to as “*Daniele*”) in view of U.S. Patent No. 774,994 to Snedeker (hereinafter referred to as “*Snedeker*”). Additionally, the Examiner rejected claim 15 under U.S.C. § 103(a) as being unpatentable over *Daniele* in view of *Snedeker*, and in further view of U.S. Patent No. 6,234,549 to Brownell (hereinafter referred to as “*Brownell*”). The Examiner’s rejections are traversed. For the sole purpose of expediting the prosecution of the application, Applicant amends claim 9 to incorporate all the limitations of previous claims 10, 14, and 18, which are now cancelled.

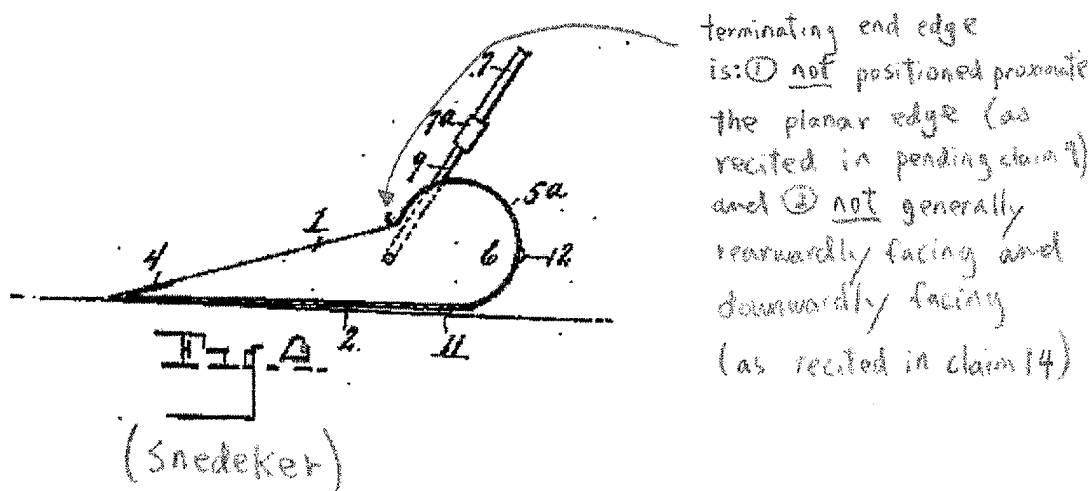
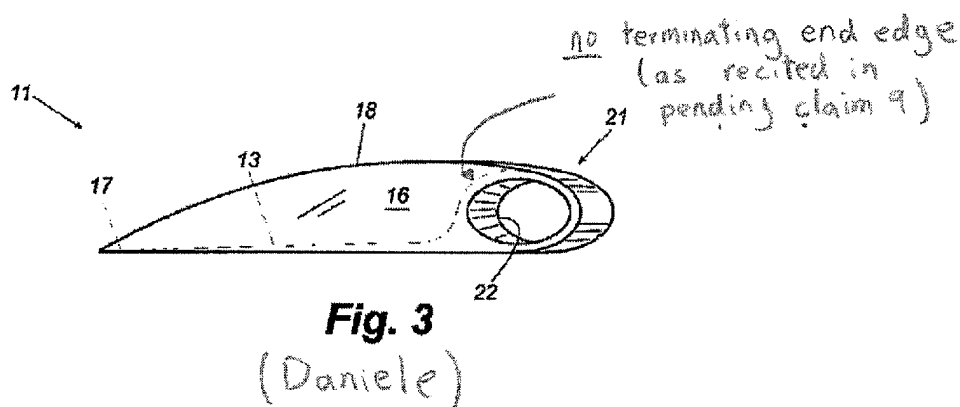
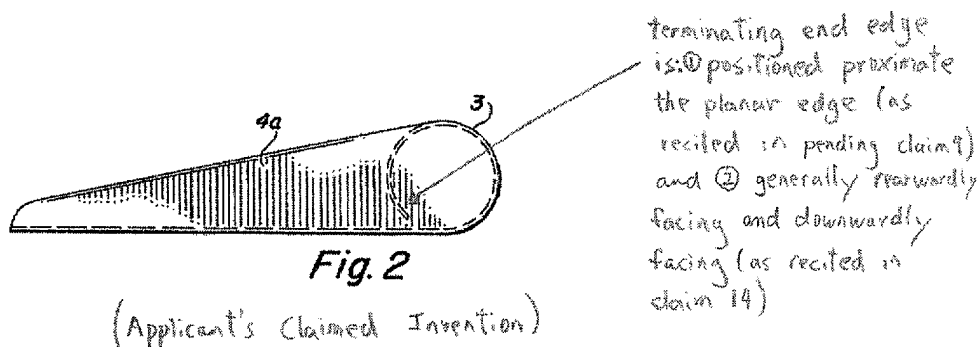
Applicant traverses the Examiner’s rejection of pending claims 9 and 16-17 under 35 U.S.C. §103, as being unpatentable over *Daniele* in view of *Snedeker*. According to the Examiner, *Daniele* teaches all of the limitations recited in claim 9 of the pending application, except for “a closed end.” See Page 2, Paragraph 3 of the Non-Final Office Action mailed on June 1, 2006. The Examiner also asserts that *Snedeker* teaches a closed end member (5) and thus “it would have been obvious to those skilled in the art to provide a closed end on both opening ends of the arcuate handle (21) of *Daniele* (6,733,056) as taught by *Snedeker* (774,994) to prevent debris from entering within the arcuate handle.” See *id.*

Applicant respectfully disagrees with the Examiner’s interpretation of *Daniele*. Applicant notes that *Daniele* does not teach, expressly or implicitly, of an arcuate handle comprising a “terminating end edge being generally rearwardly facing and generally downwardly facing and being positioned proximate the planar base,” as recited in claim 9. Applicant refers to *Daniele* FIG. 3 (reproduced below), which clearly illustrates that *Daniele* does not disclose of a terminating end edge. Instead of a terminating end edge, *Daniele* teaches of a curved surface. Applicant kindly welcomes the Examiner to point to a specific reference in *Daniele* to a terminating end edge. Unless, the Examiner can identify a specific reference in

Daniele to a terminating end edge, the Examiner's obviousness rejection, based on *Daniele* as the primary reference, is improper and should be withdrawn.

While Applicant acknowledges that *Snedeker* does teach of an element that is equivalent to the claimed invention's terminating end edge, unlike the claimed invention, the terminating end edge described in *Snedeker* is not positioned proximate a planar edge of the *Snedeker* device. In fact, a close review of *Snedeker* Fig. 4 (reproduced below) reveals that the terminating end edge extends in a direction away from the planar edge.

To elucidate and highlight the differences between the Applicant's claimed invention and that of *Daniele*'s and that of *Snedeker*'s, Applicant refers to the three figures below -- one illustrating the Applicant's claimed device, a second illustrating *Daniele*'s device, and a third illustrating *Snedeker*'s device. Each of the figures provides a side elevational view of each aforementioned device, respectively.



As clearly illustrated in the figures above, neither *Daniele* nor *Snedeker*, disclose of a terminating end edge that: (1) is positioned proximate the planar edge of the device and (2) is generally rearwardly and downwardly facing, as recited in amended claim 9. Because neither the *Daniele* reference nor the *Snedeker* reference, even when combined together to form a hypothetical construct, teach or suggest every limitation recited in claim 9, and cannot therefore, by themselves, provide the proper basis for rendering obvious claim 9, the Examiner's rejection is improper. See MPEP 2143.03; *see also In re Royka*, 490 F.2d 981, 982 (C.C.P.A. 1974) (concluding that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art). Accordingly, Applicant submits that amended claim 9 is allowable over the art cited and of record. Likewise, dependent claims 15-17 are also allowable over the art cited and of record. See *In re Fine*, 837 F.2d 1071, 1076 (Fed. Cir. 1988) (holding that if an independent claim is nonobvious under 35 U.S.C. 103, the claims dependent therefrom are also nonobvious). Accordingly, Applicant submits that claims 9 and 15-17 are in condition for allowance and kindly requests that the Examiner withdraws the obvious rejection.

Examiner Summary

Applicant expresses thanks to the Examiner for his graciousness in taking the time to interview the undersigned on August 14, 2006. During the interview, the undersigned presented the very arguments set forth in this Response. The Examiner acknowledged that previous claim 14 (all the limitations therein now incorporated into pending amended claim 9) was distinguished over *Daniele* and *Snedeker*. The interview concluded with the Examiner agreeing to undertake a close review of Applicant's Response to the Office Action and possibly conducting a new search. In view of this, Applicant submits that pending amended claim 9 (which incorporates all limitations of previous claims 10 and 14) is patentable over the art cited and of record.

Summary

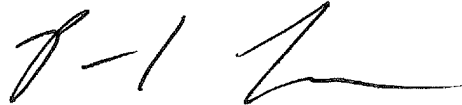
The Examiner's rejections of claims 9 and 15-17 have been obviated by the above remarks. Accordingly, Applicant submits that the claims 9 and 15-17 are patentably distinct from and over the art cited and of record. Favorable reconsideration of the rejection of the pending claims is solicited.

Any amendments made during the prosecution of this application are intended solely to expedite prosecution of the application and are not to be interpreted as acknowledgement of the validity of any rejection raised earlier in prosecution, nor as acknowledgement that any citation made against the application is material to the patentability of the application prior to amendment.

This Amendment is being concurrently filed with an Amendment Transmittal Letter including a fee calculation sheet, any applicable Request for Extension, and fee calculations. The Director is authorized to deduct any additional expenses from Deposit Account No. 18-2000, of which the undersigned is an authorized signatory.

Should the Examiner find that there are any outstanding matters which are susceptible of resolution by telephone interview, the Examiner is invited to telephone the undersigned to discuss the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P-J Lee', with a long horizontal flourish extending to the right.

Paul J. Lee
Reg. No. 52,420

August 16, 2006

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